

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1791	: PATENT APPLICATION
Examiner Jeff H. Aftergut	:
In re application of	:
REN JUDKINS et al.	: METHOD AND APPARATUS FOR MAKING CELLULAR MATERIAL USING SLOW CURE
Serial No. 10/568,027	: ADHESIVES
Filed July 31, 2006	:
Confirmation No. 2945	:

DECLARATION OF JOHN RUPEL UNDER 37 C.F.R. § 1.132

I, John Rupel declare:

I am the same John Rupel who submitted a Declaration in this application which is dated June 21, 2010. In that Declaration I set forth my education and experience. Based on that experience I consider myself to be on of ordinary skill in the art of window coverings and the manufacturing of window coverings.

I have reviewed the Office Action dated July 27, 2010. In that Office Action the Examiner rejected the pending claims as unpatentable under section 103A based upon art found in my previous Declaration. Colson '108 patent and newly cited Japanese patent 9-76378 and U.S. Patent 4,838,972 in view of Schnebly '630 patent. On page 3 of the Office Action, the Examiner states that Japanese patent '378 taught that "one skilled in the art would have employed an adhesive which was curable and which was cured after the line material was removed from the mandrel." The Examiner said that the reference suggested that one skilled in the art would have cured the material after removal from the mandrel wherein the material was laid flat and the adhesive was allowed to harden.

I respectfully disagree with the Examiner's conclusion that the method disclosed and claimed within this application would have been obvious to one skilled in the art from a combination of references cited by the Examiner.

Japanese patent '378 discloses a method for making a solid honeycomb structure from two strips of paper. The paper is run through a bath of impregnation liquid. The excess liquid is squeezed out by two rolls and an adhesive is applied to the paper sheets. The two sheets are then wound on a wheel. After a desired amount has been wound onto the wheel the paper is cut from the wheel, expanded to open the honeycomb and then placed in a rack shown in Figure 4. The rack that contains the honeycomb is then placed in an oven then the impregnated paper hardens to form a solid honeycomb structure. The Examiner has suggested that it would be obvious to one skilled in the art to use a moisture cure adhesive in this process. If one did that, the adhesive would cure completely while the material is on the wheel. This is not a problem for the process disclosed in the Japanese reference at paragraph 0013 of the English translation. The patent teaches that since the raw material is in a wet state, contraction of an adhesive could not create a problem because the paper can move. There is no disclosure in this patent that tubular strips could be used. Indeed, one skilled in the art would know not to use tubular materials because they would stick together being wet on the rack.

There are significant differences between this process and the process disclosed and claimed in the pending application. In the Japanese reference, the honeycomb is cured to form a solid; whereas the method claimed is used to make flexible window covering material. The honeycomb material created in the Japanese reference is cut into short sections placed on a curing rack and then put into an oven to solidify the honeycomb. In the claimed method the material can be cut and laid flat to cure on a flat surface. In the claims is the flow of the adhesive

which allows the stack to change shape when placed on a flat surface. In the process disclosed by the Japanese reference, it is the movement of the wet paper that allows the stack to change shape after being cut from the wheel.

Honeycomb structures of the type disclosed in the Japanese reference are often used to make structural components. For example they may be placed between two flat sheets of plastic or metal and bonded to those sheets to make a building panel. Because of their use in this manner there is no concern about wrinkles or unevenness appearing in the surfaces of the honeycomb in the final product. Window coverings on the other hand are sold because of their appearance as well as their function. It would be unacceptable to have wrinkles in honeycomb material used as a window covering. Therefore, one skilled in the art would not consider using the process disclosed by the Japanese reference to make flexible honeycomb materials, particularly window covering products.

For these reasons the method disclosed and claimed in this application would not have been obvious to one skilled in the art.

The undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing there from.

Dated: January ____, 2011

John Rupel

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Dated: January 27, 2011



John Rupert